

IN RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & VARIANCE - E/S Compass Road, 98.44' SW of the c/l of Martin Boulevard (1 Compass Road) 15th Election District 6th Councilmanic District

* BEFORE THE ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 93-157-SPHKA

Residuary Trust U/W of Milton Schwaber - Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Special Hearing, Petition for Special Exception and Petition for Zoning Variance filed by the owner of the subject property, the Residuary Trust created under the Last Will and Testament of Milton Schwaber, by Sidney Weiman, Trustee, and the Contract Lessee, Carroll Independent Fuel Company. The Petitioners request a special hearing to approve an amendment to the previously approved site plan in Case No. 4362-RX to permit renovations to the subject site, to amend the restrictions imposed in Case No. 83-170-SPH to permit the sale of small auto parts without service bays, and to permit the continuation of existing business parking in a residential zone, pursuant to Section 409.8.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioners also request a special exception to permit a service station use in combination with a food store of 864 sq.ft. on the subject property, pursuant to Section 405.4.D.8 of the B.C.Z.R. Lastly, the Petitioners seek variance relief from the B.C.Z.R. as follows: From Section 405.4.A.1 and 405.4.D.8 to permit a site area of 16,560 sq.ft. in lieu of the required 16,456 sq.ft.; from Section 405.4.A.2 to permit a canopy to right-of-way setback of 5 feet in lieu of the required 10 feet; from Section 405.4.A.3 to permit a 10-foot curb tangent between an access driveway and a street corner in lieu of the required 20 feet, and to per-

mit a 5-foot curb tangent between an access driveway and a property line in lieu of the required 10 feet; from Section 232.3.b to permit a building setback of 13.8 feet in lieu of the required 20 feet; from Section 405.4.B.3 to permit evergreen tree planting on a site adjacent to a residential zone in lieu of the wall or fence required; from Section 405.4.B.5 to permit three (3) freestanding lights, each 16 feet in height, in lieu of the maximum permitted 8 feet height, or 1/8 of the distance to a residential zone; from Section 413.2.f to permit seven (7) freestanding signs of 475.52 sq.ft. total in lieu of the permitted three (3) signs of 100 sq.ft. total; and from Section 413.5.d to permit a business sign height of 28.25 feet in lieu of the maximum permitted 25 feet. All of the relief requested is more particularly described on the site plans submitted to accompany the Petitions and marked as Petitioner's Exhibits 1 and 2.

As required, this matter was scheduled for a public hearing after the requisite posting and advertising of same. At the hearing, the Petitioner was represented by Howard L. Alderman, Jr., Esquire. Appearing on behalf of the Petitioner were Richard Truelove, Registered Professional Engineer, who prepared the site plan. Also testifying were David Phelps and John Phelps, both of Carroll Independent Fuel Company. Numerous individuals appeared and testified as Protestants in the matter, including Vincent J. Gonzalez, adjoining property owner, and Bill Bartolomeo, who acted as spokesman for the Protestants. Other witnesses who either own businesses near the site or reside in the area also testified. A review of the testimony and evidence presented is helpful in obtaining an understanding of the issues to be addressed.

Richard Truelove testified on behalf of the Petitioner and introduced the site plans for the proposed project. Testimony indicated that

- 2 -

the subject property, known as 1 Compass Road, consists of 0.4326 acres, more or less, split zoned B.L.-C.N.S. and D.R. 5.5, and is improved with a service station building that is currently vacant. Said property is located at the southern corner of the intersection of Compass Road and Martin Boulevard.

As to the history of this site, a Petition for Zoning Reclassification was filed in Case No. 4362-RX which granted a change in the zoning classification from R-6 to B.R. and approved a special exception for a service station on March 12, 1958. The property came in for public hearing a second time under Case No. 83-170-SPH in which a special hearing was granted to amend the previously approved site plan to allow the conversion of the full-service gasoline station to a gas-n-go operation on March 2, 1983. Subsequently, the service station which occupied this site closed. Mr. Truelove noted that extensive repairs to the property have been undertaken since the closing of the prior business. Specifically, the underground fuel storage tanks were repaired and in excess of 500 tons of soil which had been contaminated by fuel leakage were removed. The existing building, which is now boarded up and vacant, is to be razed and replaced with a state-of-the-art building in accordance with that depicted on the site plan.

Mr. Truelove presented a revised site plan, marked Petitioner's Exhibit 2, which addressed certain Zoning Plans Advisory Committee comments from the Bureau of Traffic Engineering. Specifically, the plan changed the location of the waiting space for vehicles near the entrance to the site from Compass Road and widened from 10 feet to 12 feet the distance between buildings. Thus, the plan now satisfies that Bureau's concerns.

- 3 -

Mr. Truelove also discussed the variance relief sought, several of which are as a result of existing conditions. Mr. Truelove noted that the property is not large enough to strictly comply with the minimum area regulations and that it cannot be expanded. He also noted that the proposed canopies are needed to protect customers during inclement weather and must be located where shown on the plan. As to the landscaping/screening issue, Mr. Truelove noted that there was a difference of opinion between the Office of Planning and Zoning and the County's Landscape Architect as to this screening. Specifically, the Landscape Architect prefers retaining the existing fence on the east side of the property, whereas the Office of Planning and Zoning desires vegetative screening. Mr. Truelove also discussed the need for the proposed signs and lighting and the variances associated therewith. His testimony addressed all of the requirements set forth in Section 307 of the B.C.Z.R. as it relates to the requested variances and Section 502.1 of the regulations as it relates to the special exception.

David Phelps also testified. He described the renovation of the property as it related to the removal of the old fuel tanks and cleaning of the contaminated soil. He noted that extensive funds have been expended to rehabilitate this site and described the proposed construction.

David Phelps' testimony was corroborated by John Phelps, also from Carroll Independent Fuel Company. John Phelps described the proposed operation. He expects that two employees will be at the facility during most business hours; however, there may only be one employee during the late night shift. Although no definitive plans have been established, the Petitioner seeks permission to operate the facility on a 24-hour per day basis.

Mr. Phelps also stated that no engine work, transmission work, tire changing, or similar automotive service work would be performed on-site. Small automotive service items, such as anti-freeze and break fluid, will be sold. He also noted that the proposed store will sell cigarettes, candy, and similar items. There will be no cooking or food preparation on-site. Mr. Phelps also discussed the intended market which the convenience store will target. He noted that the proposed business will not be a destination stop, but rather most items will be sold to the impulse consumer. That is, most of the sales will be to patrons who have stopped at the site to purchase gasoline and while on the premises, pick up necessary household items.

In opposition to the request, testimony was received from Vincent Gonzalez, who operates a 7-11 convenience store on the adjacent property known as 3 Compass Road. Mr. Gonzalez noted the proliferation of similar establishments in the area and fears competition from the proposed facility. As I observed at the hearing, this objection is not a basis on which the special exception requested can be evaluated. I cannot consider whether Mr. Gonzalez' business may be adversely affected economically in evaluating the merits of the case before me. Whether the use adversely affects the locale is the issue. Economics plays no part in my deliberations.

Also testifying were Robert C. Ralston, David Edwards and Robert Harmon. These three individuals all voiced more appropriate concerns. Many of their concerns relate to traffic at the site. They believe that the intersection of Compass Road and Martin Boulevard is dangerous and that the increased traffic brought about by the proposed facility will aggravate an already difficult situation. They testified to the dangerous practice which some drivers employ in entering the site directly from

- 5 -

Martin Boulevard while crossing both lanes of direction on Compass Road. Also, the heavy traffic volume from the communities south of the site which access Martin Boulevard from Compass Road was noted.

As to the Petition for Special Exception, Counsel for the Petitioner argued that in view of the previously authorized special exception for a gas station in the prior cases, only a service station use in combination with a food store need be considered. That is, Mr. Alderman attempted to bifurcate the uses on site, claiming that the service station facility was already approved and only the food store operation needed approval at this time. I am not convinced that his logic should prevail on this issue, inasmuch as this site plan is significantly different from what was previously approved and that the prior use has been abandoned and the facilities supporting same will be razed and replaced. However, it is unnecessary for me to resolve this issue, in that I am inclined to grant the special exception as proposed.

Clearly, the proposed use is permitted in a B.L.-C.N.S. zone by special exception. Further, I am convinced, based on the testimony and evidence presented, that the proposed use will not be detrimental to the primary uses in the vicinity. Thus, it must be determined whether the conditions delineated in Section 502.1 are satisfied by the Petitioner.

Based on the testimony and evidence presented, the Petitioner has shown that the proposed use will be conducted without real detriment to the neighborhood and will not adversely affect the public interest. Although the traffic issues raised by the Protestants are relevant, I am not persuaded that traffic at this particular location would be affected in a manner above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. See Schultz

- 6 -

V. Pritts, 291 Md., 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

Indeed, utilization of the property for an operational business rather than its present abandoned state, which attracts vandalism and can lead to the property becoming an eyesore, is preferable. Therefore, after reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

As to the relief sought in the special hearing, that should likewise be granted, in view of the decision as to the Petition for Special Exception. Amendments to the site plan approved in the prior cases are appropriate so that the site can be utilized in the manner proposed. Thus, I am persuaded that the special hearing should be granted.

As to the variances, they can be granted only upon a showing that strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

- 7 -

3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After considering all of the testimony and evidence presented, I am persuaded that a granting of the variances will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. Moreover, it is clear that practical difficulty will be sustained by the Petitioners if the variances are not granted. The uniqueness of this parcel and the requirements from which the Petitioners seek relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. Further, the variances requested will not cause any injury to the public health, safety or general welfare and are in strict harmony with the spirit and intent of the B.C.Z.R.

Also, in addition to the above comments concerning the variances requested, a specific comment is in order regarding two of the variances. First, Page 3 of Petitioner's Exhibit 1 depicts a schematic landscape plan. After reviewing both this plan and the photographs of the subject site, I believe that evergreen screening on the east side of the property is more appropriate than the delapidated fence which presently exists. Thus, the variance from Section 405.4.B.3A shall be granted to permit evergreen planting on the site adjacent to a residential zone in lieu of the required wall or fence. Secondly, I am also persuaded that the signage as proposed is not excessive. The sign detail for the proposed business is shown on Page 2 of Petitioner's Exhibit 1. The present regulations require that in calculating signage area, the signs on the pumping stations and canopy must also be included, thus making the proposed variance seem

- 8 -

excessive. However, in my view, the proposed sign layout, both in terms of number and location, appears appropriate for this use and site.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the special hearing, special exception and variances should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2nd day of April, 1993 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 4362-RX to permit the proposed renovations to the subject site and to amend the restrictions imposed in Case No. 83-170-SPH to permit the sale of small auto parts without service bays and the continuation of existing business parking in a residential zone, pursuant to Section 409.8.B.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Special Exception to permit a service station use in combination with a food store of 864 sq.ft., pursuant to Section 405.4.D.8 of the B.C.Z.R., in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the B.C.Z.R. as follows: From Section 405.4.A.1 and 405.4.D.8 to permit a site area of 16,560 sq.ft. in lieu of the required 18,456 sq.ft.; from Section 405.4.A.2 to permit a canopy right-of-way setback of 5 feet in lieu of the required 10 feet; from Section 405.4.A.3 to permit a 10-foot curb tangent between an access driveway and a street corner in lieu of the required 20 feet, and to permit a 5-foot curb tangent between an access driveway and a property line in lieu of the required 10 feet; from Section 232.3.b to permit a building setback of

13.8 feet in lieu of the required 20 feet; from Section 405.4. B.3 to permit evergreen tree planting on a site adjacent to a residential zone in lieu of the wall or fence required; from Section 405.4.B.5 to permit three (3) freestanding lights, each 16 feet in height, in lieu of the maximum permitted 8 feet height, or 1/8 of the distance to a residential zone; from Section 413.2.f to permit seven (7) freestanding signs of 475.52 sq.ft. total in lieu of the permitted three (3) signs of 100 sq.ft. total; and from Section 413.5.d to permit a business sign height of 28.25 feet in lieu of the maximum permitted 25 feet, in accordance with Petitioner's Exhibits 1 and 2, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) All lighting for the subject site shall be directed away from any adjoining residential properties.

3) Prior to the issuance of any building permits, Petitioner shall submit a landscape plan for approval by the Landscape Planner for Baltimore County and the Deputy Director of Planning. Landscaping for the subject site shall be at a minimum in accordance with that depicted in Petitioner's Exhibits 1 and 2. Any additional landscaping shall be in compliance with the Landscape Manual.

4) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

April 2, 1993

(410) 887-4386

Howard L. Alderman, Jr., Esquire
305 W. Chesapeake Avenue, Suite 113
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION & ZONING VARIANCE
7/S Compass Road, 98.44' SW of the c/l of Martin Boulevard
(1 Compass Road)
15th Election District - 6th Councilmanic District
Residuary Trust U/W of Milton Schwaber by Sidney Weiman - Petitioners
Case No. 93-157-SPHXA

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Vincent J. Gonzalez
3 Compass Road
Baltimore, Md. 21220

Mr. Robert C. Ralston
5 Gyro Road
Baltimore, Md. 21220

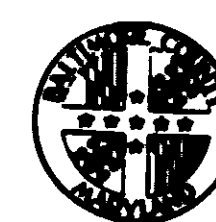
Mr. Bill Bartolomeo
8605 Old Harford Road
Baltimore, Md. 21234

Mr. David Edwards
20 Hydroplane Drive
Baltimore, Md. 21220

Mr. Robert D. Harmon
16 Cockpit Court
Baltimore, Md. 21220

Mr. Melvin F. Traband
Beacon & Compass Roads
Baltimore, Md. 21220

People's Counsel; Case File



Petition for Special Hearing to the Zoning Commissioner of Baltimore County

for the property located at ONE COMPASS ROAD

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 88.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve

an amendment to the restrictions in Case No. 83-170-SPH to allow the sale of small auto parts without service bays, and to the site plan and relief in Case No. 4362-RX to permit the proposed renovations, and pursuant to B.C.Z.R. § 409.8.B.1 to permit the continuation of existing business parking in a residential zone, all as shown more particularly on the plan accompanying this Petition.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Lessee:
CARROLL INDEPENDENT FUEL CO.

By: John Phelps
John Phelps, Vice President
2700 Loch Raven Boulevard

Baltimore, MD 21218

Legal Owner: Residuary Trust U/W of Milton Schwaber

By: Sidney Weiman
Sidney Weiman, Trustee

Two Hopkins Plaza
Ninth Floor
Baltimore, MD 21201

Phone No. 539-3700

City, Address and phone number of legal owner, tenant, purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204
Tel.: (410) 321-0800

OFFICE USE ONLY
APPROPRIATE LEGAL NOTICE OF HEARING
The following date: 11-2-92
Next Two Months

RECEIVED BY: WCR

Petition for Special Exception to the Zoning Commissioner of Baltimore County

for the property located at ONE COMPASS ROAD

which is presently zoned BL-CNS & DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

a Service Station Use, in combination with a Food Store of 864 square feet, pursuant to B.C.Z.R. § 405.4.D.8

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Lessee:
CARROLL INDEPENDENT FUEL CO.

By: John Phelps
John Phelps, Vice President
2700 Loch Raven Boulevard

Baltimore, MD 21218

Legal Owner: Residuary Trust U/W of Milton Schwaber

By: Sidney Weiman
Sidney Weiman, Trustee

Two Hopkins Plaza
Ninth Floor
Baltimore, MD 21201

Phone No. 539-3700

City, Address and phone number of legal owner, tenant, purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204
Tel.: (410) 321-0800

OFFICE USE ONLY
APPROPRIATE LEGAL NOTICE OF HEARING
The following date: 11-2-92
Next Two Months

RECEIVED BY: WCR

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at ONE COMPASS ROAD

which is presently zoned BL-CNS & DR5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See attached sheet

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

See attached sheet

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Lessee:
CARROLL INDEPENDENT FUEL CO.

By: John Phelps
John Phelps, Vice President
2700 Loch Raven Boulevard

Baltimore, MD 21218

Legal Owner: Residuary Trust U/W of Milton Schwaber

By: Sidney Weiman
Sidney Weiman, Trustee

Two Hopkins Plaza
Ninth Floor
Baltimore, MD 21201

Phone No. 539-3700

City, Address and phone number of legal owner, tenant, purchaser or representative to be contacted.

Howard L. Alderman, Jr., Esquire
305 West Chesapeake Avenue
Towson, Maryland 21204
Tel.: (410) 321-0800

OFFICE USE ONLY
APPROPRIATE LEGAL NOTICE OF HEARING
The following date: 11-2-92
Next Two Months

RECEIVED BY: WCR

PETITION FOR ZONING VARIANCE

Page 2 93-157-SPHXA

LOCATION: One Compass Road

OWNER: Residuary Trust U/W of Milton Schwaber

Relief Requested:

405.4.A.1 & D.8 to allow a site area of 16,560 sq. ft. in lieu of the minimum 18,456 sq. ft. required; B.C.Z.R. § 405.4.A.3.a to allow a 10 foot canopy setback from the right-of-way in lieu of the 10 feet required; B.C.Z.R. § 405.4.A.3.a to allow a 10 foot curb tangent between an access driveway and a street corner in lieu of the 20 feet required, and to allow a 5 foot curb tangent between an access driveway and a property line in lieu of the 10 feet required; B.C.Z.R. § 232.3.b to allow a structure setback of 13.8 feet in lieu of the 20 feet required; and B.C.Z.R. § 405.4.B.3.a to allow evergreen tree planting on a site adjacent to a residential zone in lieu of the wall or fence required; B.C.Z.R. § 405.4.B.5 to permit 3 freestanding lights, each 16 feet in height, in lieu of the maximum 8 feet or 1/8 of the distance to a residential zone; B.C.Z.R. § 413.2.f to permit a total of 7 freestanding signs with a total sign area of 475.52 sq. ft. in lieu of the maximum of 3 signs totaling 100 square feet; and from B.C.Z.R. § 413.5.d to allow a business sign 28.25 feet high in lieu of the 25 foot maximum; all as shown more particularly on the plan accompanying this Petition.

Justification:

- The subject property is currently improved with an automobile service station, which is old and in need of structural renovation.
- The existing narrowness and size of the subject property.
- The relief requested is necessary to permit the continuation of the approved use on the subject property, and to comply with current regulatory requirements.
- For such further reasons as will be presented at the time of the hearing.

RICHARD J. TRUELOVE P.E., INC.

28 EAST SULLY AVENUE
TOWSON, MARYLAND 21204
(301) 484-4814

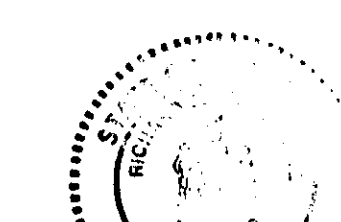
ZONING DESCRIPTION

Beginning for the same at a point on the east side of Compass Road, 100 feet wide, and the south side of Martin Boulevard, Maryland Route 700, 150 feet wide, said point lying 98.44 feet from the centerline of Martin Boulevard measured in a southeasterly direction along the centerline of Compass Road and 50 feet in a southeasterly direction measured at a right angle to the centerline of Compass Road; running thence along the street intersection fillet by a curve to the right with a radius of 15.00 feet for a distance of 25.38 feet, the chord of said curve being north 75 degrees 39 minutes 22 seconds east 22.54 feet; thence along the right-of-way line of Martin Boulevard by a curve to the right with a radius of 5804.60 feet for a distance of 96.63 feet, the chord of said curve being south 56 degrees 06 minutes 53 seconds east 96.62 feet; thence leaving Martin Boulevard and running the following courses and distances: south 26 degrees 57 minutes 00 seconds west 165.60 feet, and north 56 degrees 47 minutes 00 seconds west 113.53 feet to the east side of Compass Road, thence along the east side of Compass Road north 26 degrees 57 minutes 00 seconds east 150.00 feet to the point of beginning.

Containing 18,687 square feet, or 0.4290 acres of land, more or less.

Being parcel 3 of that deed recorded in the land records of Baltimore County in Liber 7114 at Folio 148. Located in the Fifteenth Election District, and Fifth Councilmanic District, of Baltimore County, Maryland. Also known as 1 Compass Road.

October 30, 1992
letters 92018DES



Richard John Truelove P.E.
10/30/92

CERTIFICATE OF POSTING
 ZONING DEPARTMENT OF BALTIMORE COUNTY
 Towson, Maryland

District: 15th Date of Posting: 11/16/92
 Posted to: Special Exception - Hearing & Decision
 Petitioner: Residuary Trust of U/W of Milton Schwaber
 Location of property: E/S Compass Rd. (21), 98.44' SW of Martin Blvd.
 Location of Sign: Along 98.44' SW of Martin Blvd. Property of R. Schuber
 Remarks: None
 Posted by: M. J. Jarlon Date of return: 11/19/92
 Number of Signs: 5

receipt

Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account: R-001-8190
 Number

Date: 11/06/92

PUBLIC HEARING FEES
 080 - ZONING VARIANCE (OTHER)
 040 - SPECIAL HEARING (OTHER)
 050 - SPECIAL EXCEPTION
 070 - SUM OF ABOVE FEES (TAXATION)

LAST NAME OF OWNER: SCHUBER

Amount: \$450.00

Please Make Checks Payable To: Baltimore County

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 Office of Planning & Zoning

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

Date: 12-9-92

Carroll Independent Fuel Co.
 2700 Loch Raven Boulevard
 Baltimore, Maryland 21218

RE:
 CASE NUMBER: 93-157-SPEX (Item 163)
 1/3 Compass Road, 98.44' SW of c/l Martin Boulevard
 15th Election District - 6th Councilmanic
 Legal Owner(s): Residuary Trust of U/W of Milton Schwaber
 Lessee: Carroll Independent Fuel Company
 HEARING: WEDNESDAY, DECEMBER 16, 1992 at 10:00 a.m. in Rm. 118, Old Courthouse

Dear Petitioner(s):

Please be advised that \$ 153.88 is due for advertising and posting of the above captioned property and hearing date.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 109, Towson, Maryland 21204. Place the case number on the check and make same payable to Baltimore County, Maryland. In order to avoid delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Arnold Jarlon
 DIRECTOR

cc: Howard L. Alderman, Jr., Esq.

Baltimore County Government
 Office of Zoning Administration
 and Development Management
 Office of Planning & Zoning

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

NOVEMBER 13, 1992

NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein below at the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 10:00 a.m. on the following date:

CASE NUMBER: 93-157-SPEX (Item 163)
 1/3 Compass Road, 98.44' SW of c/l Martin Boulevard
 15th Election District - 6th Councilmanic
 Legal Owner(s): Residuary Trust of U/W of Milton Schwaber
 Lessee: Carroll Independent Fuel Company
 HEARING: WEDNESDAY, DECEMBER 16, 1992 at 10:00 a.m. in Rm. 118, Old Courthouse

Special Exception for a service station use, in combination with a food store of 864 square feet. Special Hearing to approve an amendment to the restrictions in case #83-170-SPEX to allow the sale of small auto parts without service bays and to the site plan and relief in case #4362-RX to permit the proposed renovations; and to permit the continuation of existing business parking in a residential zone. Variance to allow a site area of 16,560 square feet in lieu of the minimum 18,456 square feet required; to allow a 5 foot canopy setback from the right-of-way in lieu of the 10 feet required; to allow a 10 foot curb tangent between an access driveway and a property line in lieu of the 10 feet required; to allow a 5 foot curb tangent between an access driveway and a property line in lieu of the 10 feet required; to allow a structure setback of 13.8 feet in lieu of the 20 feet required; to allow evergreen tree planting on a site adjacent to a residential zone in lieu of the wall or fence required; to permit 3 free-standing lights, each 16 feet in height, in lieu of the maximum 8 feet or 1/8 of the distance to a residential zone; to permit a total of 7 free-standing signs with a total sign area of 475.52 square feet in lieu of the maximum of 3 signs totaling 100 square feet; and to allow a business sign of 28.25 feet high in lieu of the 25 feet maximum.

Arnold Jarlon
 DIRECTOR

cc: Sidney Weisman
 Carroll Independent Fuel Co.
 Howard L. Alderman, Jr., Esq.

NOTE: HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

CERTIFICATE OF PUBLICATION

TOWSON, MD. 11/26, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 11/26, 1992

THE JEFFERSONIAN,
S. Zabe Orlos
 Publisher

\$153.88

receipt

Baltimore County
 Zoning Administration &
 Development Management
 111 West Chesapeake Avenue
 Towson, Maryland 21204

Account: R-001-8190
 Number

Date: 12/21/92

PUBLIC HEARING FEES
 080 - POSTING AND ADVERTISING \$153.88
 LAST NAME OWNER: SCHUBER

Amount: \$153.88

Please Make Checks Payable To: Baltimore County

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

NOTICE OF REASSIGNMENT
 HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

Rescheduled from 12/16/92
 CASE NUMBER: 93-157-SPEX
 E/S Compass Road, 98.44' SW of c/l Martin Boulevard
 15th Election District - 6th Councilmanic
 Legal Owner(s): Residuary Trust of U/W of Milton Schwaber
 Lessee: Carroll Independent Fuel Company
 HEARING: TUESDAY, JANUARY 19, 1993 at 9:00 a.m. in Rm. 118, Courthouse.

Special Exception for a service station use, in combination with a food store of 864 square feet. Special Hearing to approve an amendment to the restrictions in Case #83-170-SPEX to allow the sale of small auto parts without service bays and to the site plan and relief in case #4362-RX to permit the proposed renovations; and to permit the continuation of existing business parking in a residential zone. Variance to allow a site area of 16,560 square feet in lieu of the minimum 18,456 square feet required; to allow a 5 foot canopy setback from the right of way in lieu of the 10 feet required; to allow a 10 ft. curb tangent between an access driveway and a the 10 ft. required; to allow a 5 ft. curb tangent between an access driveway and a property line in lieu of the 20 ft. required; to allow a structure setback of 13.8 ft. in lieu of the 20 ft. required; to allow evergreen tree planting on a site adjacent to a residential zone in lieu of the wall or fence required; to permit 3 free-standing lights, each 16 ft. in height, in lieu of the maximum 8 feet or 1/8 of the distance to a residential zone; to permit a total of 7 free-standing signs with a total sign area of 475.52 square feet in lieu of the maximum of 3 signs totaling 100 sq. ft.; and to allow a business sign of 28.25 feet high in lieu of the 25 ft. maximum.

Arnold Jarlon
 DIRECTOR

cc: Howard Alderman, Jr. Esq.
 Vincent Gonzalez
 Rudie Gonzalez
 George Goldbeck
 Bill Bartolomeo

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

JANUARY 15, 1993

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 93-157-SPEX
 PETITIONER(S): CARROLL INDEPENDENT FUEL OIL
 LOCATION: ONE COMPASS ROAD

HEARING OF THE ABOVE MATTER WILL TAKE PLACE AS FOLLOWS:

WEDNESDAY, JANUARY 27, 1993 at 9:00 a.m.

IN THE BALTIMORE COUNTY COURTHOUSE, ROOM 118, 400 WASHINGTON AVENUE, TOWSON, MARYLAND 21204.

Arnold Jarlon
 DIRECTOR

cc: Howard Alderman, Esq.
 Vincent Gonzalez
 Rudie Gonzalez
 George Goldbeck
 Bill Bartolomeo

NOTE:
 CONFIRMS TELEPHONE CONVERSATION TO EACH OF THE PARTIES COPIED HEREIN.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

December 4, 1992

Howard L. Alderman, Jr., Esquire
 Levin & Gann, P.A.
 305 West Chesapeake Avenue
 Towson, MD 21204

RE: Case No. 93-157-SPEX, Item No. 163
 Petitioner: Residuary Trust U/W of Milton Schwaber, et al
 Petition for Special Exception, Special Hearing & Variance

Dear Mr. Alderman:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Baltimore County Government
 Office of Zoning Administration
 and Development Management

111 West Chesapeake Avenue
 Towson, MD 21204 (410) 887-3353

Your petition has been received and accepted for filing this 2nd day of November 1992.

Arnold Jarlon
 DIRECTOR

Received By: _____

Chairman,
 Zoning Plans Advisory Committee

Petitioner: Residuary Trust U/W of Milton Schwaber, et al
 Petitioner's Attorney: Howard L. Alderman

Ms. Julie Winiarski
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No. + 163 (WCR)

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David N. Rang 11/16/92
John Contestabile, Chief
Engineering Access Permits
Division

RECEIVED
NOV 10 1992

ZONING OFFICE

My telephone number is _____

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5082 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management
DATE: November 24, 1992

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: 1 Compass Road

ITEM NUMBER: 163
Petitioner: Carroll Independent Fuel Company
Property Size: 18,845 square feet
Zoning: BL-CNS, DR 5.5
Requested Action: Special Exception, Special Hearing, Variance
Hearing Date: 1 / 1

SUMMARY OF RECOMMENDATIONS:
The petitioner is requesting a Special Exception for a service station use, in combination with a food store, a Special Hearing to approve an amendment to the restrictions in case 83-170-SFH to allow the sale of small auto parts without service bays and to the site plan and relief in case 4362-RX to permit the proposed renovations; and to permit the continuation of existing business parking in a residential zone. Also variances are being requested to numerous to list.

The Office of Planning and Zoning recommends APPROVAL of the Special Exception and Special Hearing, however, our office recommends DENIAL of certain variances.

The request for a variance to permit a total of 7 freestanding signs with a total sign area of 475.52 square feet is excessive. The Office of Planning and Zoning recommends that this request be DENIED. Three freestanding signs which are permitted by the Zoning Regulations are sufficient for this site. For example, the Citgo identification sign is to be installed in 5 different locations, four on the canopy and the main sign, this is excessive.

Our Office recommends that the dumpster pad be constructed of brick on three sides instead of just screened, as stated in the landscape notes. The dumpster location is adjacent to the residential area and a brick structure would not be as easily knocked down by a trash truck.

Prepared by: *Francis Mowley*

Division Chief: *Erin McDaniel*

EMC/D/PM:rdn

163.ZAC/ZAC1
Red 11/30/92

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: November 19, 1992

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: November 16, 1992

ITEM NUMBER: 163

- 1) It appears that the southern access to the site is being blocked by the proposed stacking space.
- 2) The minimum travel way width is 12 ft.
- 3) This site is subject to all development regulations.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Red 11/30/92

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21204-5500

(410) 887-4500

NOVEMBER 17, 1992

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: RESIDUARY TRUSE U/W OF MILTON SCHWABER

Location: #1 COMPASS ROAD

Item No.: + 163 (WCR) Zoning Agenda: NOVEMBER 16, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John Contestabile*
Planning Group
Special Inspection Division

JP/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management
DATE: November 20, 1992

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting
for November 23, 1992
Item No. 163

The Developers Engineering Division has reviewed the subject zoning item. This site is subject to Division 2 of the Development Regulations. Public Works and Landscape comments will be rendered under the development process. At this time, the proposed layout does not meet schematic landscape plan criteria and we would not support the substitution of evergreen trees for a wall or fence.

Robert W. Bowling
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

RWB:DAK:s

Red 11/30/92

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

November 18, 1992

Howard L. Alderman, Jr., Esquire
Levin & Gann
305 West Chesapeake Avenue
Suite 113
Towson, MD 21204

RE: Preliminary Petition Review (Item #163)
Case #93-157-SFH
Legal Owner: Residuary Trust U/W of
Milton Schwaber
Lessee: Carroll Independent Fuel Company
1 Compass Road
15th Election District

Dear Mr. Alderman:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a filing review by the staff. The petition was accepted with the understanding that all zoning issues/filing requirements would be addressed. As with all petitions filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John Contestabile
John Contestabile
Planner II

JLL:scj

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: 5/28/93

TO: Ms. Burke - St. James
Mr. Wirth - SWH
Mr. Powell - EIRD
Mr. Sealey - WES
Mr. Rascoe - ZADM, Development Management (2)
Mr. Richards - ZADM, Development Control
Mr. Bowling - DED (3)
Capt. Pfeiffer - Fire Dept.
Mr. McDougall - Rec & Parks
Mr. Small - SHA
Mr. McDaniel - Strategic Plan., Development Review (3)

FROM: Susan D. Wimbly
ZADM

SUBJECT: Project Name: 1 Compass Rd.
Project No.: 9306112
ZADM No.: XV-618
District: 15th
Engineer: T. J. J. J.
Phone No.: 444-4914

ACTION REQUESTED:
☐ Waived CRG Meeting
☐ CRG Plan Refinement
☒ CRG Non-Material Amendment
☐ Limited Exemption (26-171.b.9)
☐ Waived Hearing Officer Hearing

Please review the attached plan for compliance with current regulations and return comments to our office by 6/18/93. If you have no comments or do not need to review this plan, please indicate by placing your initials here. (This procedure is similar to the waived CRG meeting procedure.) NONRESPONSIVENESS BY THE AFOREMENTIONED DATE IS CONSIDERED TO BE CONCURRENCE BY YOUR OFFICE OF THE PLAN.

Thank you for your timely attention to our request.

SDW:scj
SUBDIV.DST (TXXSOPH)

RECEIVED
MAY 28 1993
By *scj*

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

Suite 113 Courthouse
400 Washington Avenue
Towson, MD 21204

April 16, 1993

(410) 887-4386

Mr. Melvin F. Traband
Traband Enterprises, Inc.
Beacon and Compass Roads
Baltimore, Maryland 21220

RE: Victory Villa Shell
1 Compass Road
Case No. 93157-SFHXA

Dear Mr. Traband:

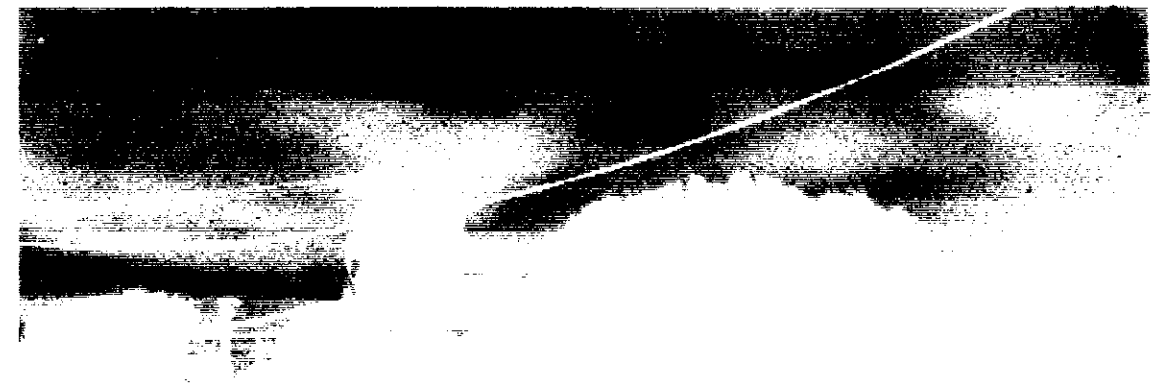
This is to acknowledge receipt of your recent letter. The testimony presented at the public hearing before me regarding the above property was that the underground fuel storage tanks on site were repaired and that an excess of 500 tons of soil was removed. However, my office is not the County agency which supervises the regulation of the property in this respect. I suggest that you contact the United States Environmental Protection Agency, or Baltimore County's Department of Environmental Protection and Resource Management if you have further questions regarding this matter. Their telephone number is 887-7136.

Very truly yours,

Laurence E. Schmidt
Laurence E. Schmidt
Zoning Commissioner

LES:mmu

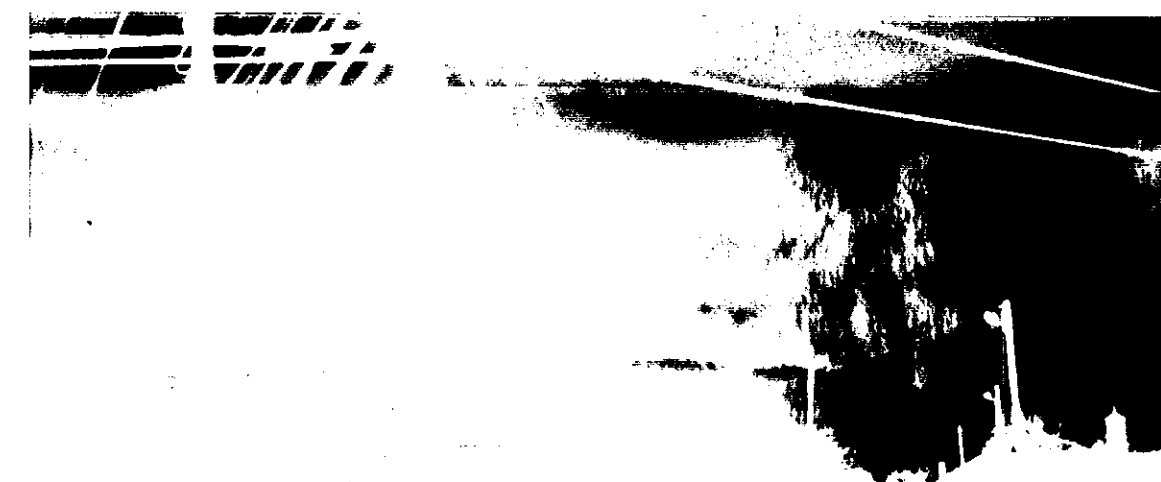
Protestants
No 1



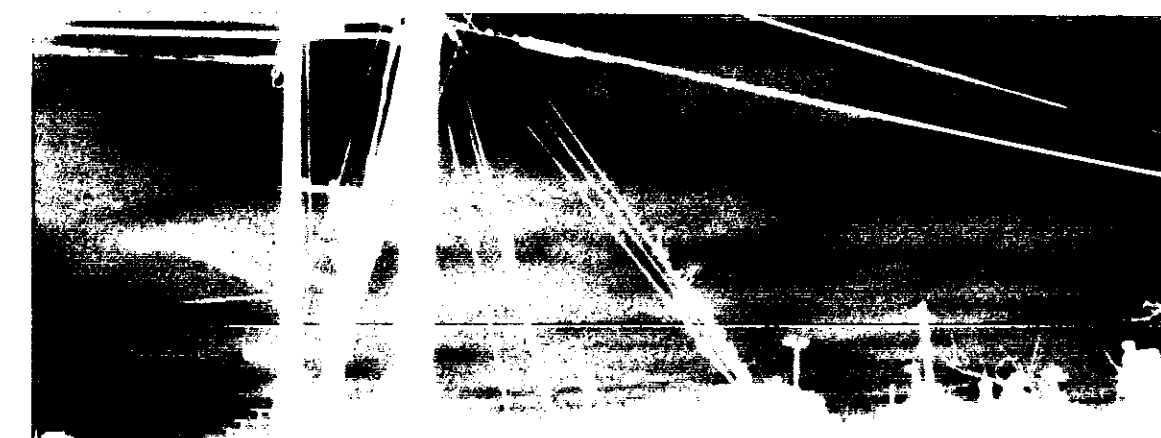
① VIEW OF COMPASS RD. & 7-11 FROM WITHIN THE SITE



② VIEW OF COMPASS RD. & 7-11 FROM CORNER OF SITE AT MARTIN BOULEVARD



③ SITE FROM MARTIN BOULEVARD EASTBOUND LANE



④ VIEW FROM REAR CORNER OF BUILDING TOWARDS 7-11



⑤ VIEW FROM MARTIN BOULEVARD ACROSS VACANT DR 5.5 PARCEL TO REAR OF SITE



⑥ VIEW OF COMPASS RD., SITE, & 7-11 FROM FUSELAGE AVENUE



⑦ EXISTING BUILDING FROM COMPASS ROAD



⑧ EXISTING FRONT ENTRANCES

